

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE NATIONAL PRESCRIPTION  
OPIATE LITIGATION

This document relates to:  
*The County of Summit, Ohio, et al. v.  
Purdue Pharma L.P., et al.*  
Case No. 18-op-45090

MDL No. 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**DEFENDANTS ALLERGAN SALES, LLC'S & ALLERGAN USA, INC.'S ANSWER,  
DEFENSES, AND DEMAND FOR JURY TRIAL**

Newly-Added Defendants Allergan Sales, LLC and Allergan USA, Inc. (the “New Allergan Defendants”) file this Answer to Plaintiffs’ Third Amended Complaint (“Answer”). New Allergan Defendants incorporate by reference the entirety of Allergan Finance, LLC’s Answer, Defenses, and Demand for Jury Trial, [Docket 1267] including the asserted affirmative defenses. Consistent with the Agreed Order Regarding Answers to The County of Summit, Ohio’s Third Amended Complaint [Dkt. 1576], this Answer addresses only the newly-added allegations that relate to the New Allergan Defendants that are otherwise not addressed in Allergan Finance, LLC’s Answer, Defenses, and Demand for Jury Trial [Docket 1267].

The following matters are incorporated by reference into the New Allergan Defendants’ response to each paragraph of the Third Amended Complaint (“Complaint”).

- The Complaint contains purported references to documents and third-party publications and statements that have often been excerpted, paraphrased, characterized, and otherwise taken out of context. These documents and third-party publications and statements should be considered, if at all, in context and in unmodified form, and the New Allergan Defendants respectfully refer the Court to the respective materials for their accurate and complete contents.
- Except as otherwise expressly stated herein or in Allergan Finance, LLC’s Answer, Defenses, and Demand for Jury Trial [Docket 1267], the New Allergan Defendants expressly deny each and every allegation contained in the Complaint, including without limitation any allegations contained in the preamble, unnumbered paragraphs, headings, subheadings, table of contents, footnotes, and exhibits of the Complaint, and specifically denies any liability to Plaintiffs.
- The New Allergan Defendants reserve the right to amend and supplement this Answer as may be appropriate or necessary.

#### **Answers to Allegations that relate to the New Allergan Defendants**

1. The New Allergan Defendants deny the allegations that relate to it. The New Allergan Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 1, and therefore deny the same.

51. The New Allergan Defendants admit the allegations in paragraph 51 related to them. The New Allergan Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 51, and therefore deny the same.

52. The New Allergan Defendants deny that Allergan Sales, LLC held the ANDAs for Norco in 2016. The Norco ANDA holder in 2016 was Allergan Pharmaceuticals International Limited.<sup>1</sup> The New Allergan Defendants admit the remaining allegations in paragraph 52.

53. The New Allergan Defendants deny that Allergan USA, Inc. is headquartered in Madison, New Jersey. The allegation that “Allergan USA, Inc. is currently responsible for Norco and Kadian sales” amounts to a legal conclusion, to which an answer is neither necessary nor appropriate. The New Allergan Defendants admit the remaining allegations in paragraph 53.

### **THE NEW ALLERGAN DEFENDANTS' DEFENSES**

Without assuming any burden of proof that it otherwise would not bear or admitting that it is in any way liable to the Plaintiffs, the New Allergan Defendants assert that the Plaintiffs' claims against them are barred pursuant to the following defenses, each of which is raised in the alternative. The New Allergan Defendants expressly reserve the right to amend these defenses as permitted by the applicable rules of civil procedure:

- The New Allergan Defendants incorporate by reference all of the defenses asserted in Allergan Finance, LLC's Answer, Defenses, and Demand for Jury Trial [Docket 1267].

The New Allergan Defendants adopt by reference any additional applicable defense pled by any other defendants not otherwise pled herein.

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<sup>1</sup> Allergan inadvertently listed Allergan Sales, LLC as the ANDA holder for Norco® in S. Kaufhold's Ex. 3 and the Responses to Plaintiffs' Additional 30(b)(6) Questions. Allergan is in the process of amending those responses to reflect this correction.

**DEMAND FOR JURY TRIAL**

The New Allergan Defendants hereby demand a trial by jury of all issues so triable. The New Allergan Defendants also hereby reserve the right to remand each case to its original jurisdiction for trial.

WHEREFORE, the New Allergan Defendants demand judgment dismissing Plaintiffs' Complaint in its entirety, together with costs and disbursements. The New Allergan Defendants further demand such other relief, both general and specific, at law or in equity, to which they are justly entitled.

Dated: May 3, 2019

/s/ Donna Welch  
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**CERTIFICATE OF SERVICE**

I hereby certify that on May 3, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorneys of record at their e-mail addresses on file with the Court.

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